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OCT 29 2004

OFFICE OF PETITIONS

In re Application of
Vazquez

Application No. 09/459,182

Filed: 7 December, 1999

Attorney Docket No. (None)

ON PETITION

This is a decision on the letter considered as a petition filed on 8 September, 2004, to revive the above-identified application under 37 C.F.R. §1.137(a)

For the reasons set forth below, the petition under 37 C.F.R. §1.137(a) is **DISMISSED as moot.**

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Notice of Missing Parts mailed on 19 March, 2003, with a reply due (absent a request and fee for extension of time) on or before 19 May, 2003;
- as a result, the application was deemed abandoned after midnight 19 May, 2003;
- notably, a Motion to Withdraw as Counsel of Record (which contained a conflicting and incorrect address for the Applicant/Petitioner herein as 28001 Madrid (in central Spain)

while the correct address for Applicant/Petitioner herein was 36310 Vigo Pontevedra (on the Atlantic coast of Spain)) was filed on 31 March, 2003, and granted on 5 May, 2003;

- Notice of Abandonment was mailed on 10 October, 2003;
- a petition to revive was dismissed and, upon later showing a petition to withdraw the holding of abandonment was granted, however, Petitioner filed the instant petition *pro se* apparently in error.

The Examiner previously found allowable claims and issued a Notice of Allowance.

For reasons unstated, Petitioner's previous Counsel filed and paid for continued prosecution, notwithstanding allowance, yet make no effort to amend or otherwise alter the claims.

The instant file is returned to the Examiner in Technology Center 3600 for further processing in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions